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2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5

6 ANDREW COMBS,

No. 1:20-cv-01308-SKO

7  
8 Plaintiff,

**ORDER DIRECTING CLERK OF COURT  
TO CLOSE CASE**

9 v.

**(Doc. 13)**

10 COMMISSIONER OF  
11 SOCIAL SECURITY,

12 Defendant.  
13

14 On May 13, 2021, the parties filed a joint stipulation of dismissal, with prejudice. (Doc.  
15 13.) Federal Rule of Civil Procedure 41(a)(1)(A) provides:

16 [T]he plaintiff may dismiss an action without a court order by filing:  
17 (i) a notice of dismissal before the opposing party serves either an  
18 answer to a motion for summary judgment, or (ii) a stipulation of  
dismissal signed by all parties who have appeared.

19 Fed. R. Civ. P. 41(a)(1)(A). Rule 41 thus allows the parties to dismiss an action voluntarily, after  
20 service of an answer, by filing a written stipulation to dismiss signed by all of the parties who  
21 have appeared, although an oral stipulation in open court will also suffice. *See Eitel v. McCool*,  
22 782 F.2d 1470, 1472-73 (9th Cir. 1986).

23 Once the stipulation between the parties who have appeared is properly filed or made in  
24 open court, no order of the court is necessary to effectuate dismissal. Case law concerning  
25 stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of  
26 dismissal is effective automatically and does not require judicial approval. *Commercial Space*  
27 *Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999).  
28

1 Because the parties have filed a stipulation for dismissal of this case with prejudice under  
2 Rule 41(a)(1)(A)(ii) that is signed by all parties who have made an appearance, this case has  
3 terminated. Fed. R. Civ. P. 41(a)(1)(A)(ii). Accordingly, IT IS HEREBY ORDERED that the  
4 Clerk of Court close this case.

5  
6 IT IS SO ORDERED.

7 Dated: May 14, 2021

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE